

Procedures

D. WHEN: ACCEPTING THE CONSENT WHEN THE BIRTH PARENT(S) RESIDES IN CALIFORNIA

Independent Adoption CSW Responsibilities

1. Inform the birth parent(s) of the child's adjustment with the petitioner(s) and of the suitability of the petitioner(s) to be an adoptive parent to the child.
2. Advise the birth parent(s) that (s)he may at any future time request all known information about the status of the child's adoption, except for personal identifying information about the adoptive family. The information includes, but is not limited to:
 - a) whether the child has been placed for adoption;
 - b) the approximate date that an adoption was completed;
 - c) if the adoption was not completed for any reason, whether adoptive placement of the child is again being considered.
3. Provide the birth parents with a copy of the AD 908, Adoptions Information Act Statement.
4. Provide the birth parent(s) with the AD 908 to sign and date. Retain one copy for the case record.

NOTE: If the child is an American Indian child, consent must be taken before a judge. See Procedural Guide 0200-515.05, Adoption of Children Under the Indian Child Welfare Act.

5. Provide the birth parent(s) with the AD 67 and/or AD 67A to complete.
6. Provide the mother and presumed father with the appropriate consent, as follows:
 - a) AD 1A for a mother or presumed father not denying paternity.
 - i) If the presumed father denies he is the natural father, explain to him that he may also sign the AD 165.

ii) If the presumed father does not wish to sign the consent or his whereabouts is unknown:

- Complete the DCFS/A I 30 and request that the petitioner(s) or their attorney make arrangements to have his parental rights terminated.
- Provide him with the AD 20 to sign if he wishes.
- Advise him to seek legal counsel or request that the court appoint an attorney.

NOTE: A man who completes a voluntary declaration of paternity that has been filed with the Department of Child Support Services or is identified as the father on the child's California birth certificate on or after January 1, 1997, is considered to be a presumed father and his parental rights to the child shall be terminated as those of a presumed father.

7. Obtain the signature of the consenting parent(s) and sign and date the consent.
8. Provide a copy of the signed consent within seven calendar days to the consenting parent, attorney of record, or the petitioners, if they are not represented by legal counsel.

NOTE: The birth parent who signs the consent to adoption may also sign a waiver of right to revoke consent at the same time (s)he signs the consent to adoption. See Section G of this Procedural Guide.

9. Advise the birth mother to complete the AD 880 on all alleged natural fathers. Complete the DCFS/A I 30 and request that the petitioner(s) or his or her attorney take appropriate legal action.

a) Before the birth of the child, the alleged natural father may:

- i) waive further notice of the adoption proceeding by signing an AD 590, or
- ii) deny paternity by signing an AD 588

b) After the birth of the child, he may:

- i) waive further notice of the adoption proceeding by signing an AD 590, or
- ii) deny paternity by signing an AD 588, or

- iii) consent to the adoption by signing an AD 594 and AD 887B, or
- iv) complete Item 1 on the JV 505

NOTE: By signing any of the forms listed above, the alleged natural father loses the right to contest the adoption. However, his parental rights to the child are not terminated and a court may determine that he is the child's father and has child support and other obligations for the child. His parental rights to the child remain until the court issues the decree of adoption or a separate action to terminate his parental rights is taken.

10. For information about notifying the court regarding the status of the adoption, see Procedural Guide 0200-507.30, Court Reports for an Independent Adoption.